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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,426	08/28/2000	Yossi Lev	2166/1	5644

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Dr Mark Friedman Ltd
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EXAMINER

HERNANDEZ, NELSON D

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,426

Applicant(s)

LEV ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 8-12, 15-18, 26-30 and 33-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13, 14, 19-25, 31 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. During a telephone conversation with Mark M. Friedman (Attorney on Record) on June 21, 2004 a provisional election was made without traverse to prosecute the invention of Optical Character Recognition, claims 1-7, 13, 14, 19-25, 31 and 32. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-12, 15-18, 26-30 and 33-37 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 13, 19-24 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber, US Patent 5,381,155.

Regarding claim 1, Gerber discloses a method for providing added utility to at least one video camera (Fig. 1: 10), said method comprising the steps of:

(a) capturing and storing at least one frame of video containing visually perceptible data by the at least one video camera (Fig. 1: 10; col. 3, line 67 – col. 4, line 9; col. 6, lines 31-39);

(b) opening least one channel of communication and transmitting there through said visually perceptible data (Col. 3, line 67 – col. 4, line 9);

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(c) receiving said at least one frame of video containing visually perceptible data by at least one device capable of communication (Fig. 1: 15; col. 4, lines 4-16, col. 5, lines 50-64); and

(d) processing the at least one frame of video containing visually perceptible data so that the processed data acquires added utility (Col. 5, lines 50-64; col. 6, lines 39-48).

Regarding claim 2, Gerber discloses that the visually perceptible data includes at least one item selected from the group consisting of at least a portion of a printed document, a bar-code and an image of at least a portion of a person (Col. 5, lines 59-64; col. 6, lines 39-47).

Regarding claim 3, Gerber discloses step of processing occurs during at least one time selected from the group consisting of prior to transmitting through said at least one channel of communication, concurrent with transmission through said at least one channel of communication, and after transmission through said at least one channel of communication (Col. 4, lines 4-9; col. 6, line 61 – col. 7, line 5).

Regarding claim 4, Gerber discloses that the at least one device capable of communication is at least one device selected from the group consisting of an internet server, a telephone, a cellular telephone, a smart phone, a personal computer and a web TV (Col. 6, lines 39-47).

Regarding claim 5, Gerber discloses that the step of processing includes at least one sub-step selected from the group consisting of resolution enhancement, mosaicing, optical character recognition, text to speech transformation, decoding of a barcode,

recognition of at least a portion of a person, detection of visually perceptible motion, merging of at least two video streams, fusing of at least two images to create a panoramic image, adding at least one item of information pertaining to time and addition of visually perceptible features (Col. 4, lines 4-9; col. 6, lines 39-47).

Regarding claim 6, Gerber discloses creating a legible image of at least a portion of a document (Col. 6, lines 31-47).

Regarding claim 13, Gerber discloses further comprising the step of transmitting said legible image of at least a portion of a document (Col. 6, lines 31-47).

Regarding claim 19, Gerber discloses a system for providing added utility to at least one video camera (Fig. 1: 10), said system comprising:

(a) the at least one video camera containing a memory device capable of at least transiently storing at least one frame of captured video containing visually perceptible data (Col. 6, lines 31-39);

(b) at least one device capable of communication (Fig. 1: 15), said at least one device capable of communication being designed and configured for receiving said at least one frame of video containing visually perceptible data, said at least one device capable of communication being further capable of opening least one channel of communication and transmitting there through said visually perceptible data (Col. 3, line 67 – col. 4, line; col. 4, lines 4-16, col. 5, lines 50-64); and

(c) at least one processing device (Fig. 1: 15) designed and configured to process the visually perceptible data so that the processed data acquires added utility (Col. 5, lines 50-64; col. 6, lines 39-48).

Regarding claim 20, grounds for rejecting claim 2 apply here.

Regarding claim 21, Gerber discloses that the at least one processing device processes said at least one frame of video containing visually perceptible data in at least one location selected from the group consisting of in the at least one video camera (Fig. 1: 10) and in at least one of said at least one device capable of communication (Fig. 1: 15) (Col. 4, lines 4-9; col. 6, line 61 – col. 7, line 5).

Regarding claim 22, Gerber discloses that the at least one device capable of communication includes at least one device selected from the group consisting of an internet server, a telephone, a cellular telephone, a smart phone, a personal computer and a web TV (Col. 6, lines 39-47).

Regarding claim 23, Gerber discloses that the processing device performs at least one process selected from the group consisting of resolution enhancement, mosaicing, optical character recognition, text to speech transformations decoding of a barcode, recognition of at least a portion of a person, detection of visually perceptible motion, merging of at least two data streams, fusing of at least two images to create a panoramic image, adding at least one item of information pertaining to time, and addition of visually perceptible features (Col. 4, lines 4-9; col. 6, lines 39-47).

Regarding claim 24, grounds for rejecting claim 6 apply here.

Regarding claim 31, grounds for rejecting claim 13 apply here.

4. Since claims 2-5 and 20-23 are written in a Markush type by using the expression “consisting of”, meeting one species of a genus family anticipates the claimed subject matter. “A generic claim cannot be allowed to an applicant if the prior

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art discloses a species falling within the claimed genus." The species in that case will anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

5. Claims 1-7, 13, 14, 19-25, 31 and 32 rejected under 35 U.S.C. 102(e) as being anticipated by Ciolli, 6,546,119 B2.

Regarding claim 1, Ciolli discloses a method for providing added utility to at least one video camera (Fig. 1: 102), said method comprising the steps of:

(a) capturing and storing at least one frame of video containing visually perceptible data by the at least one video camera (Col. 4, lines 25-39);

(b) opening least one channel of communication and transmitting there through said visually perceptible data (Col. 4, line 57 – col. 5, line 4, col. 6, lines 53-58);

(c) receiving said at least one frame of video containing visually perceptible data by at least one device capable of communication (Col. 4, lines 25-39); and

(d) processing the at least one frame of video containing visually perceptible data so that the processed data acquires added utility (See. Fig. 1A: 104; Col. 4, lines 25-39).

Regarding claim 2, Ciolli discloses that the visually perceptible data includes at least one item selected from the group consisting of at least a portion of a printed document, a bar-code and an image of at least a portion of a person (See fig. 11, col. 17, lines 17-32).

Regarding claim 3, Ciolli discloses step of processing occurs during at least one time selected from the group consisting of prior to transmitting through said at least one

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channel of communication, concurrent with transmission through said at least one channel of communication, and after transmission through said at least one channel of communication (Col. 4, line 57 – col. 5, line 4, col. 6, lines 53-58).

Regarding claim 4, Ciolli discloses that the at least one device capable of communication is at least one device selected from the group consisting of an internet server, a telephone, a cellular telephone, a smart phone, a personal computer and a web TV (Col. 4, line 57 – col. 5, line 4; col. 6, lines 53-58).

Regarding claim 5, Ciolli discloses that the step of processing includes at least one sub-step selected from the group consisting of resolution enhancement, mosaicing, optical character recognition, text to speech transformation, decoding of a barcode, recognition of at least a portion of a person, detection of visually perceptible motion, merging of at least two video streams, fusing of at least two images to create a panoramic image, adding at least one item of information pertaining to time and addition of visually perceptible features (Col. 19, lines 32-49).

Regarding claim 6, Ciolli discloses creating a legible image of at least a portion of a document (See fig. 11; col. 17, lines 17-32).

Regarding claim 7, Ciolli discloses that the sub-step of optical character recognition is employed to generate an editable text document from an image (Col. 12, lines 33-44; col. 16, lines 54-61).

Regarding claim 13, Ciolli discloses further comprising the step of transmitting said legible image of at least a portion of a document (Col. 16, lines 54-61; col. 17, lines 17-36).

Regarding claim 14, Ciolli discloses transmission of said editable text document to at least one of said at least one device capable of communication (Col. 16, lines 54-61; col. 17, lines 17-36).

Regarding claim 19, Ciolli discloses a system for providing added utility to at least one video camera (Fig. 1: 102), said system comprising:

(a) the at least one video camera containing a memory device capable of at least transiently storing at least one frame of captured video containing visually perceptible data (Col. 4, lines 25-39; col. 7, lines 12-20);

(b) at least one device capable of communication (Fig. 1: 104), said at least one device capable of communication being designed and configured for receiving said at least one frame of video containing visually perceptible data (See fig. 1B), said at least one device capable of communication being further capable of opening least one channel of communication and transmitting there through said visually perceptible data (Col. 4, lines 25-39; col. 4, line 57 – col. 5, line 4, col. 6, lines 53-58); and

(c) at least one processing device (Fig.1: 104) designed and configured to process the visually perceptible data so that the processed data acquires added utility (See. Fig. 1A: 104; Col. 4, lines 25-39).

Regarding claim 20, grounds for rejecting claim 2 apply here.

Regarding claim 21, Ciolli discloses that the at least one processing device processes said at least one frame of video containing visually perceptible data in at least one location selected from the group consisting of in the at least one video camera

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(Fig. 1: 102) and in at least one of said at least one device capable of communication (Fig. 1: 104) (Col. 4, line 57 – col. 5, line 4, col. 6, lines 53-58).

Regarding claim 22, Ciolli discloses that the at least one device capable of communication includes at least one device selected from the group consisting of an internet server, a telephone, a cellular telephone, a smart phone, a personal computer and a web TV (Col. 6, lines 53-58).

Regarding claim 23, Ciolli discloses that the processing device performs at least one process selected from the group consisting of resolution enhancement, mosaicing, optical character recognition, text to speech transformations decoding of a barcode, recognition of at least a portion of a person, detection of visually perceptible motion, merging of at least two data streams, fusing of at least two images to create a panoramic image, adding at least one item of information pertaining to time, and addition of visually perceptible features (Col. 19, lines 32-49).

Regarding claim 24, grounds for rejecting claim 6 apply here.

Regarding claim 25, grounds for rejecting claim 7 apply here.

Regarding claim 31, grounds for rejecting claim 13 apply here.

Regarding claim 32, grounds for rejecting claim 14 apply here.

6. Since claims 2-5 and 20-23 are written in a Markush type by using the expression "consisting of", meeting one species of a genus family anticipates the claimed subject matter. "A generic claim cannot be allowed to an applicant if the prior art discloses a species falling within the claimed genus." The species in that case will

anticipate the genus. In re Slayter, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); In re Gosteli, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989).

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (703) 305-8717. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
July 2, 2004


NGOC-YEN VU
PRIMARY EXAMINER